

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HONG W.C. TSE,
KOK K. YAP,
and
BERNARDUS F.R.I. WILKENS

Appeal No. 2000-0332
Application No. 08/637,838

ON BRIEF

Before THOMAS, HAIRSTON, and BARRY, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 25.

The disclosed invention relates to an automatic shut-off and indication device for an electric heating appliance. In the device, an orientation signal that indicates the different orientations of the appliance is used by a timer for the

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indication device to delay the activation of the indication device a time-delayed period after switching off the heater for the appliance.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. An automatic shut-off and indication device for an electric heating appliance comprising:

means (2) for sensing usage of the appliance and for providing a usage-signal (US) indicating a non-usage of the appliance;

means (10) for off-switching a heater (12) of the appliance in response to a switching signal (SS) derived from the usage-signal (US);

means (4) for sensing orientation of the appliance and for providing an orientation signal (OS) for indicating different orientations of the appliance;

means (18) for activating an indicator (22) in response to the switching signal (SS), the indicator (22) signalling [sic, signaling] the off-switching of the heater (12), including means (8) for providing a time delay between off-switching the heater (12) and activating the indicator (22), which time delay is dependent on the orientation signal (OS).

The references relied on by the examiner are:

Towsend	4,203,101	May 13, 1980
Contri	4,661,685	Apr. 28, 1987
Borsari et al. (Borsari)	4,692,589	Sep. 8, 1987

Claims 1, 2, 4 through 12, 14 through 23 and 25 stand

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rejected under 35 U.S.C. § 103 as being unpatentable over
Towsend in view of Borsari.

Claims 3, 13 and 24 stand rejected under 35 U.S.C. § 103
as being unpatentable over Towsend in view of Borsari and
Contri.

Reference is made to the briefs (paper numbers 16 and 18)
and the answer (paper number 17) for the respective positions
of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us,
and we will reverse the obviousness rejection of claims 1
through 25.

Appellants and the examiner agree that Towsend discloses
all of the claimed elements except for the means for providing
a time delay that delays the activation of the indicator a
time-delayed period after the turn-off of the heater for the
appliance (brief, page 8; answer, pages 3 and 4). According
to the examiner (answer, page 4), Borsari teaches (column 6,
lines 34 through 42) such a time-delayed period for an
appliance.

The examiner's contentions to the contrary

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notwithstanding, the noted portion of Borsari clearly
discloses that the indicator blinks "[a]t the same time" the
thermostat cuts off current to the heater (column 6, lines 38
through 42) (reply brief, pages

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1 and 2). Thus, the disclosed and claimed time-delayed period is neither taught by nor would it have been suggested by the applied references.

Based upon the foregoing, the 35 U.S.C. § 103 rejection of claims 1, 2, 4 through 12, 14 through 23 and 25 is reversed. The 35 U.S.C. § 103 rejection of claims 3, 13 and 24 is likewise reversed because the teachings of Contri do not cure the noted shortcomings in the teachings of Townsend and Borsari.

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DECISION

The decision of the examiner rejecting claims 1 through
25 under 35 U.S.C. § 103 is reversed.

REVERSED

JAMES D. THOMAS)	
Administrative Patent Judge)	
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KENNETH W. HAIRSTON)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
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)	
LANCE LEONARD BARRY)	
Administrative Patent Judge)	

KWH:hh

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